

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CANON, INC.,

Plaintiff,

vs.

TCL ELECTRONICS HOLDINGS LTD.,
TCL CORPORATION,
SHENZHEN TCL NEW TECHNOLOGIES CO.
LTD.,
TCL KING ELECTRICAL APPLIANCES
(HUIZHOU) CO., LTD.,
TCL KING ELECTRONICS (CHENGDU)
CO., LTD.,
TCL KING ELECTRICAL APPLIANCES
(NANCHANG) CO., LTD.,
TCL TONGLI ELECTRONICS (HUIZHOU)
CO., LTD., and
TONLY ELECTRONICS HOLDINGS LTD.

Defendants.

No. 2:18-cv-00546

Jury Trial Demanded

**DECLARATION OF TOM MCFARLAND IN SUPPORT OF DEFENDANTS'
MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Tom McFarland, declare as follows:

1. I serve as OEM Director of Business Development at Roku, Inc. ("Roku"). I am based in Roku's office in Los Gatos, California.

2. I submit this declaration in support of Defendants' Motion to Transfer Venue to the Northern District of California. I am knowledgeable about the facts within this declaration based on personal knowledge and investigation. I am over 18 years of age.

3. I understand that Canon, Inc. ("Canon") has sued TCL Electronics Holdings Ltd., TCL Corporation, Shenzhen TCL New Technologies Co. Ltd., TCL King Electrical Appliances (Huizhou) Co., Ltd., TCL King Electronics (Chengdu) Co., Ltd., TCL King Electrical Appliances (Nanchang) Co., Ltd., TCL Tongli Electronics (Huizhou) Co., Ltd., and Tonly Electronics Holdings Ltd., for alleged patent infringement of five patents: U.S. Patent Nos. 7,746,413, 7,810,130, 8,078,767, 8,346,986, and 8,713,206. I understand that Canon asserts that Defendants infringe with "television systems that integrate the Roku operation system" (the "Accused Products"). I understand that Canon has accused of infringement certain features and functionalities of the Accused Products.

4. Roku is a corporation headquartered in Los Gatos, California, located in the Northern District of California. Roku is in the process of moving its headquarters from Los Gatos to San Jose, California, also in the Northern District of California. Roku is the developer of the Roku operating system ("Roku OS") that is used in the Accused Products, and the Roku mobile app, that can be used in conjunction with those products.

5. As the OEM Director of Business Development, I am the primary business contact at Roku for TTE Technologies, Inc. ("TTE") with respect to the Accused Products. I

also work with the groups at Roku who are responsible for the Roku OS and the Roku mobile app, and the groups responsible for product testing and support.

6. It is my understanding that TTE markets and sells the Accused Products in the United States. As a result of my position and my experience at Roku, I am familiar with Roku's business as it relates to the Accused Products, and its relationship with TTE relating to those products. If necessary, I would be willing to testify at trial in this matter, and it would far more convenient for me to do so in Northern California than in Marshall, Texas.

7. Roku creates reference designs that are used by manufacturers to create circuit boards. The manufacturers then create circuit boards that fit their particular specifications. These circuit boards are then implemented in prototype TVs, which Roku validates. Both the initial research, design, and development efforts and the validation actions are performed by Roku employees in Los Gatos, California. Those employees most knowledgeable about the accused features and functionalities also are located in Roku's Los Gatos, California office.

8. For example, Venkatesh Tumatikrishnan serves as Vice President of Roku TV Engineering. Venkatesh Tumatikrishnan is a developer who was responsible for developing the Roku OS for the Accused Products and is knowledgeable about the operation and function of the Roku OS. Venkatesh Tumatikrishnan is based in Los Gatos, California.

9. Jeff Peters serves as Senior Software Engineer at Roku. Jeff Peters is a developer knowledgeable about the functionality associated with toggling between text control and voice control operation for remote control devices. Jeff Peters is based in Los Gatos, California.

10. David Westerhoff serves as Vice President of Software, New Products. David Westerhoff is knowledgeable about the functionality associated with displaying images from

external devices, such as wireless or HDMI/USB-connected devices. David Westerhoff is based in Los Gatos, California.

11. Prateek Tandon serves as the Senior Director of Software Engineering at Roku. Prateek Tandon is a supervisor knowledgeable about the development of the functionality of using the Roku app as a remote control for a TV running the Roku OS. Prateek Tandon is based in Los Gatos, California.

12. Kyle Vannucci serves as Director of Roku TV Marketing. Kyle Vannucci is the Roku employee most knowledgeable about the marketing, sale, and distribution of the Accused Products. Kyle Vannucci is based in San Jose, California.

13. It is my understanding that, if necessary, each of the foregoing individuals would be willing to testify at trial in this matter, and it would far more convenient for them to do so in Northern California, where they live and work, than in Marshall, Texas.

14. Roku does not have any offices or facilities in the Eastern District of Texas. Roku also does not have any employees that work in the Eastern District of Texas.

15. Roku has an office in Austin, Texas. No employees in the Austin office were involved in developing, or currently are responsible for, the technologies that Canon has accused.

16. Roku maintains supply and distribution agreements relating to the Roku OS and the Accused Products, financial documents, technical design and development documents, source code, product support documents, and marketing documents relevant to the Accused Products, either electronically (access to which is controlled from Roku's headquarters) or in hard copy in Los Gatos, CA and or San Jose, CA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2019.

/s/ 
Tom McFarland